

REMARKS/ARGUMENTS

In this Amendment, Applicant has more particularly claimed Applicant's invention in amended independent claim 1 and new independent claim 21. Applicant has cancelled independent claims 6 and 7. As such, the only pending independent claims in the patent application are claims 1 and 21.

As now more-particularly claimed, a press 5 is coupled to the harvest reception vessel 1 via a first connection line 24 and a maceration vessel 23 is coupled to the harvest reception vessel 1 via a second connection line 25. A controller controls a supply of a gaseous carbon dioxide **and** a supply of a liquid carbon dioxide to the first 24 and second 25 connection lines. The controller interrupts the supply of the carbon dioxide if the temperature of the grapes falls below 7°C. Thus, in Applicant's invention as now more-particularly claimed, the supply of **both** gaseous carbon dioxide and liquid carbon dioxide is controlled to two separate connection lines 24, 25, where the first connection line supplies grapes from the harvest reception vessel to the press and the second connection line supplies grapes from the harvest reception vessel to the maceration vessel. Applicant respectfully submits that EP '055 does not disclose these features of Applicant's invention.

In EP '055, there is no disclosure for a first connection line that supplies grapes from a harvest reception vessel to a press and a second connection line that supplies grapes from a harvest reception vessel to a maceration vessel. EP '055 only discloses a transporting zone 4 for conveying grapes to an exit 1A of the machine 1 for conveying the grapes. From the exit 1A, the grapes leave to be directed to further treatment such as pressing and/or stalk stripping. Applicant respectfully submits that even if EP '055's chambers 4A and 4B of transporting zone 4 can be interpreted to be "connection lines", these "connection lines" cannot disclose Applicant's claimed first connection line that couples a harvest reception vessel to a press and second connection line that couples a harvest reception vessel to a maceration vessel. Again, chambers 4A and 4B are merely chambers

of transporting zone 4 of conveying machine 1, through which chambers grapes are conveyed to an exit 1A of the conveying machine 1.

Further, Applicant respectfully submits that EP '055 provides no disclosure for Applicant's claimed feature where a controller controls a supply of a gaseous carbon dioxide **and** a supply of a liquid carbon dioxide to the first 24 and second 25 connection lines. In EP '055, it is only disclosed that "cryogenic fluid" or "carbon dioxide" is injected into chambers 4A and 4B through nozzles 21 and 22, respectively. Thus, Applicant respectfully submits that EP '055 does not disclose these further features of Applicant's invention.

Applicant further respectfully submits that the reason EP '055 does not disclose these features of Applicant's invention is because EP '055 and Applicant's invention operate on totally different principles. In EP '055, cryogenic fluid or carbon dioxide is supplied to chambers 4A and 4B of a transporting zone 4 and fans 30 atomize the fluid or carbon dioxide. A control circuit varies the fluid flow to the nozzles to vary the temperature in each chamber of the transporting zone. In Applicant's invention, a controller controls a supply of a gaseous carbon dioxide **and** a supply of a liquid carbon dioxide to first 24 and second 25 connection lines, where the first connection line supplies grapes from a harvest reception vessel to a press and a second connection line supplies grapes from a harvest reception vessel to a maceration vessel. Thus, in Applicant's invention, the temperature is controlled in each of separate connection lines by controlling a supply of a gaseous carbon dioxide **and** a supply of a liquid carbon dioxide to the separate connection lines. New dependent claims 22-33 more-particularly claim other features associated with this control, for example, varying the temperature by varying a position of a first valve 13 associated with the gaseous carbon dioxide and a second valve 12 associated with the liquid carbon dioxide, and controlling the supply of the gaseous carbon dioxide and the liquid carbon dioxide to the first and second connection lines by a third valve 18 associated with the first connection line 24 and a fourth valve 19 associated with the second connection line 25.

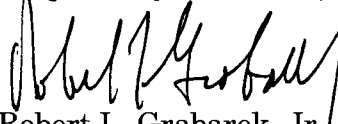
As such, Applicant respectfully submits that independent claims 1 and 21, and the claims that depend therefrom, are allowable over EP '055 and that the application is now in condition for allowance.

Since the present Office Action is a "Final" Action, Applicant is filing a Request for Continued Examination concurrently with the filing of this Amendment.

If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

As provided above, this paper includes a Petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No. 038724.56071US).

Respectfully submitted,



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